

**Department of Housing and Community Development (DHCD)  
Division of Housing Stabilization (DHS)  
Emergency Assistance (EA) Program**

**Uniform Shelter Program Rules**

Rules effective January 2, 2015. Shelters are to post copies of these Uniform Rules and the effective date. **These Rules apply to both congregate and scattered site shelters, and hotel placements, except as noted.**<sup>1</sup> A single incident that could be considered as an infraction of two or more of the Uniform Shelter Rules, or of one or more Uniform Shelter Rules and a rehousing plan violation under 760 CMR 67.06 (5) (a) 3. or a threat to health and safety under 760 CMR 67.06 (5) (a) 3. or 760 CMR 67.06(6)(a)1, will be counted as only one infraction.<sup>2</sup>

**Guiding Principles**

- Humane and dignified treatment of families, including maintaining some degree of privacy
- Health and safety of guests, staff, and community
- Preservation of families' autonomy and promotion of independent living/self-sufficiency
- Successful shelter management and program administration

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<sup>1</sup> Note that, unless otherwise indicated, all references to shelters and shelter staff in these Uniform Rules shall apply to DHCD staff or their designees in hotel placements. As used in these Uniform Shelter Program Rules, "hotel" refers to hotels and motels and "shelter," if not more specifically defined, means congregate and scattered site shelters. All references to the Associate Director or an Assistant Director shall be to the Associate Director and Assistant Directors of DHS.

<sup>2</sup> If a single incident might qualify as both a Uniform Shelter Rule violation and a threat to health and safety under 760 CMR 67.06 (5) (a) 5. or 760 CMR 67.06(a)1., both violations should be checked on the Request for Noncompliance sent to DHCD by the shelter or hotel. In such cases, DHCD, shall take into account any *de minimis* or good cause defenses applicable to the Uniform Shelter Rule violation when it considers whether the incident constituted a threat to health and safety. If a single incident might qualify as both a Uniform Shelter Rule violation and a rehousing plan violation under 760 CMR 67.06 (5) (a) 3., both violations should be checked on the Request for Noncompliance sent to DHCD by the shelter or hotel. In such cases, if the violation involves issues addressed in the Rule on DHCD Requirements, such as attendance at scheduled meetings, the provisions of the Rule shall also apply to the alleged violation of the Regulation. If a single incident might qualify as both a Uniform Shelter Rule violation or a threat to health and safety under 760 CMR 67.06(5)(a)5. or 760 CMR 67.06(6)(a)1, both violations should be checked on the Noncompliance Notice sent to DHCD by the shelter or hotel and DHCD shall provide the participant an opportunity to respond prior to issuing a Notice of Noncompliance and shall take into account any good cause or *de minimis* defenses in any corresponding rule.

## Access to Units/Searches

Rooms and/or units in congregate shelters, scattered site shelters, and hotels may be checked for cleanliness and health or safety hazards with at least 24 hours' written notice or on a regular basis, provided that written notice of the regular inspection schedule is provided to EA Households at least 24 hours in advance of the first regular inspection and that any such regular inspections be scheduled for a time before 8:00 p.m. Notice of inspections shall include a period not greater than 3-hours during with any such inspection shall be conducted. In addition, staff has immediate 24 hour access without prior notice to all EA units, including but not limited to hotel rooms, (1) in cases of emergencies; and (2) for purposes of inspections by government agencies charged with enforcing building codes, sanitary codes, fire codes, or health codes. Emergencies shall include, but not be limited to, health emergencies and facility-related emergencies such as fires, water leaks, and insect infestations.

EA units, including hotel rooms, shall be made available upon 24 hours' written notice for routine maintenance within a 3-hour window of time included in the notice, or at any other time mutually agreed to. In hotels, rooms shall be made available every day for regular housekeeping by hotel housekeeping staff during prescheduled daytime hours within a 3-hour window of time provided in writing in advance to the EA participants staying at the hotel and available at the hotel front desk, or at any other time mutually agreed to, except in cases where arrangements have been made for an EA Household to clean its own room due to disability and, in such cases, the room shall be made available upon 24 hours' written notice for inspection for cleanliness. Refusal of room cleaning due to an illness is also permissible, but not for more than three consecutive days.

In addition, shelter staff, hotel staff, DHCD employees, and employees of DHCD contractors and other state agencies working with DHCD shall have immediate access to all shelter units, including hotel rooms in which EA participants are placed, in all cases in which (1) they have a reasonable, articulable suspicion that a member of an EA household is currently committing a crime; is currently smoking, cooking with an unauthorized appliance, or entertaining unauthorized visitors; or is currently involved in conduct that constitutes a disturbance to the quiet enjoyment of the other EA participants or hotel guests or a threat to the health or safety of the participant, members of his/her household, other EA participants in the shelter or hotel, residents of the building in which a scattered site unit is located, or guests/staff of the shelter or hotel, DHCD employees, or employees of DHCD contractors and other state agencies working with DHCD, and (2) the suspected conduct cannot be remediated by a visit to the unit involving only a knock on the door and a request to talk to those inside.

In all cases where access, including immediate access and regular hotel housekeeping, is warranted, shelter staff, hotel staff, DHCD employees, and employees of DHCD contractors or other state or local agencies working with DHCD shall knock on the entry door, announce their intent to enter, and give the resident an opportunity to open the door before entering. Except where immediate access is authorized by this rule, shelter staff, hotel staff, DHCD employees, and employees of DHCD contractors and other state agencies working with DHCD shall have access to units only after 24-hours advance written notice of an intended visit within a 3-hour time frame.

Any doors within a hotel or shelter unit, including closet doors, may be opened during routine inspections and emergencies. Personal belongings in closets or drawers shall not be disturbed, except as

permitted by this rule, and shall be left in an orderly state after any permitted inspection. Personal belongings in closets or drawers may be inspected, but only upon reasonable, articulable suspicion of the presence of criminal activity, substances prohibited by these rules, or the use of prohibited heating or cooking equipment. Evidence obtained without a written reason for the searching of drawers provided to a member of the EA Household before the search may not be introduced into evidence in a DHCD noncompliance or termination hearing. If a search of drawers is to be made upon reasonable suspicion and an EA Household member is present, the written reason for the search will be provided to the Household member before the search. If no EA Household member is present during such a search, the written reason will be left in the room.

Except to the extent provided in this rule, shelter staff are not permitted to search personal belongings of EA households. Shelter staff, may, however, call the police at their discretion if they have a reasonable and articulable suspicion that a member of an EA Household or a visitor is engaged in criminal activity, has a weapon on the premises, or otherwise poses threat to the health or safety of shelter residents or staff. In the above circumstances, when shelter staff determines that an immediate threat to the health or safety of shelter residents or staff exists, or the destruction of evidence is imminent, the senior shelter staff person on the premises at the time may search the unit him/herself, if able to do so consistent with safety concerns, or may consent to the police conducting a search of any unit. Such senior shelter staff person may also consent to the search of a unit by police when such person has a reasonable suspicion that such a search will produce any item (1) that is likely to cause serious and immediate harm or to be used for criminal purposes (including, but not limited to, a firearm), and (2) which staff may not legally possess. In any circumstance outlined above, when shelter staff call the police, they may also restrict access to the unit by the EA Household until the police arrive and, after the arrival of the police, to the extent requested by police.

### **Babysitting/Child Care**

This rule applies only to on-site babysitting or child care at shelter. Offsite babysitting or child care is not covered by this rule, and is permitted so long as it is not inconsistent with an EA Household's rehousing plan.

Within two (2) days of initial placement, each EA Household will be provided with a copy of the form to request babysitting.

An adult or a child who is age 16 or over and, in a hotel, is also resident in the same hotel, is permitted with authorization or good cause as determined by 760 CMR 67.06(6)(a)5 to provide child care for children in another EA Household.

A child age 14 or over may care for himself/herself or a younger member of the same EA household with authorization or good cause as determined by 760 CMR 67.06(6)(a)5. If the babysitter (or child authorized to care for him/herself) is less than 16 years old, any babysitting or self-care must take place in the unit assigned to the EA Household or when the babysitter is accompanying younger siblings to and from an on-site pick-up/drop-off location to meet transportation to school, school-related activities, medical appointments, authorized visitation with family members, or other appointments relating to health, safety, or welfare. If a babysitter or a child caring for him- or herself is under the age of 18, an

adult member of the household for the children being cared for or caring for him- or herself shall be (i) on the premises and within the sound of the child's voice or (ii) promptly reachable by the babysitter or the children by telephone and able to return promptly in case of emergency.

Approved arrangements may either be for a single occasion or for ongoing/long term arrangements. Babysitting overnight will not be allowed unless approved for the reasons that permit a late return to shelter after curfew or for good cause as determined by 760 CMR 67.06 (6) (a) 5.

In a shelter, the babysitter must be (i) approved by shelter staff and (ii) subject to the DHCD Babysitting Guidelines, including a written babysitting agreement on a standard DHCD form to be signed by the head of the EA Household, the babysitter, and shelter staff.

In hotels, families may complete the babysitting request form at the hotel front desk and the hotel will immediately fax the form to the appropriate designee of the Associate Director (and provide verification to the EA household of having done so) who shall approve babysitting/child care arrangements in the place of shelter staff. Information about who the Associate Director's designee is and how to contact him/her shall be available to all participants at the front desk of each hotel. The Associate Director's designee shall respond to the request of a participant placed in a hotel for approval of a babysitter within two business days of the request. If a response is not received within two business days or prior to the needed time for babysitting when the need arose in less than two business days prior to the time for the proposed babysitting, the proposed babysitting arrangement may proceed pending a response, but a request made with less than two business days' notice should include good reasons why the babysitting request was not made at least two days in advance and the request may be denied within two business days of the date of the request. Participants who proceed with babysitting without express advance approval do so with the understanding that the arrangement may not be approved. In considering babysitting requests, including in such cases of after the fact review, approval will not be denied without stated good reasons. Participants in hotels must use a babysitter who is also an EA participant placed in the same hotel as the EA Household receiving the babysitting services. The Associate Director's designee or shelter staff may deny permission for babysitting services for good reasons, taking into account the EA Household's needs, as determined by the Associate Director's designee or shelter staff, including the health, safety, welfare, and appropriate supervision of the children, and history of disturbance to other EA Households. The decision of the Associate Director's designee or shelter staff on this basis may be informed by past noncompliance with material rules. In any administrative appeal of a noncompliance or termination based on unauthorized babysitting or child care, DHCD's failure to approve requested babysitting or child care can be reviewed for reasons stated in M.G.L. c. 30A, § 14 (7), including but not limited to, for abuse of discretion.

Except in cases of good cause, as determined in accordance with the good cause standards in 760 CMR 67.06(6)(a)5, babysitting is allowed only in accordance with this Rule and for the time approved. In determining whether good cause as determined in 760 CMR 67.06(6)(a)5 exists, DHCD will take into consideration all the circumstances including the age of the child(ren) and the length of time of unauthorized babysitting, the length of time that the babysitting exceeds the approved time period, and the extent to which the unauthorized babysitting threatens or adversely affects the health, safety, and welfare of the child(ren). Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time, location, age of the child and risk to the

child, will not be counted toward a noncompliance or termination.

An approved babysitter is required to comply with all the regulations of the program and the Uniform Shelter Program and DHCD-established hotel rules during the time that he or she is caring for the child(ren). The babysitter is subject to EA discipline to the same extent that the child(ren)'s parent would be if he or she fails appropriately to supervise or provide for the health and safety of the child(ren).

Any babysitting arrangement shall comply with the Rule on Curfew, except as otherwise approved or for good cause under the good cause standards in 760 CMR 67.06 (6) (a) 5. Absent approved special circumstances described in the Rule on Curfew applicable when a child's parent is authorized to return after curfew, or good cause as described above, a babysitter shall not care for a child after curfew or before 6:00 a.m. Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time, location, age of the child and risk to the child, will not be counted toward a noncompliance or termination. Approval for babysitting after curfew or before 6 a.m. should be specifically requested on the standard DHCD form Babysitting Agreement indicating why post-curfew or pre-6 a.m. babysitting is necessary.

### **Care of Children**

The adult members of an EA Household and any teenage parent(s) of a child in an EA Household are responsible for providing for the health, safety, and welfare of any child/children in the EA unit (e.g. compliance with school attendance, ensuring children are properly fed and rested). This responsibility is in no way diminished when an EA Household is off-site, e.g. on an approved overnight, or because the EA Household complies with other shelter rules, such as curfews. Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time, location, age of the child and risk to the child, will not be counted toward a noncompliance or termination.

### **Child Left Unattended**

**Warning: The Department considers a child to be alone and unattended if a child is even briefly out of the sight, hearing, or immediate control of a caretaker adult or authorized babysitter.**

Children in the EA household shall not be left alone and unattended on shelter or hotel property, except if authorized to provide their own babysitting under the Rule on Babysitting, or visiting in common areas to the extent permitted by the Rule on Visitors/Guests, or justified by good cause as determined under the good cause standards in 760 CMR 67.06(6)(a)5. A child authorized to provide his or her own babysitting shall be covered by the Rule on Babysitting/Childcare. In considering the good cause reasons raised by a participant for leaving a child unattended, DHCD will take into consideration all the circumstances including the age of the child(ren) and the length of time that the child(ren) is (are) unattended. Unless a violation is repetitive, a *de minimis* (minor) violations of this Rule, as determined based on all the relevant circumstances, as to time, location, age of the child, and risk to the child, will not be counted toward a noncompliance or termination.

## Curfew

The EA household shall comply with any curfew imposed by the shelter or hotel, in which case the curfew for arrival on premises shall not be earlier than 9:00pm on weekdays (Sunday – Thursday evenings) and 11:00pm weekends (Friday & Saturday evenings) and shall not be later than 11:00pm (Sunday – Thursday evenings) and 1:00am (Friday & Saturday evenings). Shelters are not required to alter their program or meal schedules due to curfews.

A shelter or hotel may impose a quiet time to commence not more than one hour before the curfew time. A shelter or hotel may impose an in-room curfew for EA household members to remain in their assigned rooms, to commence one hour after the curfew for arrival on premises. Exceptions to the in-room curfew shall be made for reasonable health, safety, and welfare needs, if the EA participant provides a good reason to shelter or hotel staff for attending to such needs after in-room curfew hours, which shall include late return from work or education.

In-room curfew shall end at not later than 6:00am.

Any curfews must be adjusted on a case-by-case basis for the EA Household's work or school schedule, for other rehousing plan obligations, and to accommodate disabilities or other good cause reasons as determined by 760 CMR 67.06(6)(a)5.

Special exceptions to curfew requirements may be permitted by shelter or hotel staff or by the Associate Director's designee on a case-by-case basis, for good cause only, such as scheduled sports, school, church, medical appointments, and community activities or other similar good reasons.

A request for an adjustment to curfew may be made either to shelter staff or to the Associate Director's designee, whose contact information shall be available at each shelter and hotel. If a request for adjustment of curfew is made two business days prior to the date for which the adjustment is needed, the request will be deemed approved unless expressly denied.

Compliance with curfew times does not relieve EA Household members of responsibility for fulfilling their shelter assignments and providing for the health, safety, and welfare of children in the EA Household.

Arriving late for curfew without prior authorization may be justified by good cause as determined under the good cause standards in 760 CMR 67.06(6)(a)5. In considering the good cause reasons raised by a participant for arriving late for curfew, DHCD will take into consideration all the circumstances, including the amount of lateness, any self-reporting of the lateness as an indication of responsibility, and the actual or potential effect of the late return on the health, safety, and welfare of the child(ren). Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time and location will not be counted toward a noncompliance or termination.

## **Damage to Property and Expenses**

The EA Household members may not damage shelter or hotel property or take shelter or hotel property, other than property meant for consumption, without good cause as determined in accordance with 760 CMR 67.06 (6) (a) 5. Normal wear and tear shall not be considered damage. Unless the damage is caused intentionally, recklessly or repeatedly, an EA Household that is in compliance with a reasonable payment plan to reimburse the cost of replacement or repair within one year shall have its noncompliance held in abeyance until repayment is made in full, provided that all payments are made timely. If repayment in full is made timely in accordance with the repayment plan, the noncompliance shall be rescinded.

The EA Household must pay all costs for extra items available and not included in the standard benefits for the shelter or hotel. This may include phone calls from shelter or hotel lines or movie rentals. EA residents shall not be charged for phone calls or other costs at a hotel if a self-paying guest would not be charged for such services. The shelter or hotel will tell the EA Household in advance in writing what activities will incur charges. Hotels and shelters will allow an EA Household who does not have access to a cell phone to use an office or other designated phone without charge to make phone calls in an emergency or other compelling circumstance, such as contacting a rehousing worker or inquiring about permission for overnights or babysitting authorization.

Absent good cause as set forth in 760 CMR 67.06(6)(a) 5, the EA Household must pay for any shelter or hotel property missing from a unit because of the conduct of the EA Household or any damage done by any member of an EA Household or its guests beyond normal wear and tear. This may include extra cleaning expenses if a unit is left in a particularly dirty or unsanitary condition. Payments must be made within a reasonable time after the EA Household is notified of the bill for such costs, but any repayment plan must be reasonable taking into account the Household's available income and expenses and shall be incorporated into the rehousing plans of the adult members of the EA Household. Disputed charges and the reasonableness of any repayment plan are subject to appeal to the DHCD Division of Hearings in the context of an administrative appeal of a noncompliance or termination for a rule violation. Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time, location, or amount will not be counted toward a noncompliance or termination.

## **DHCD Requirements Including Required Appointments**

The EA Household shall comply with all applicable DHCD requirements, including those listed in the rehousing plan (i.e. savings, housing search, job search), or, in the absence of a rehousing plan, the minimum requirements of a rehousing plan as listed in 760 CMR 67.06(4)(b) after oral and written notice to the adult members of the EA Household as to what those requirements are and how they should be met by the EA Household.

An EA Household is expected to attend all meetings scheduled by shelter staff, DHCD staff, and DHCD contractors providing social welfare services to EA participants. At least two business days' advance written notice should be provided to the EA Household unless such meeting is part of a series of regularly scheduled meetings covered by a single notice, in which case two business days' notice of the

first meeting is sufficient. The written notice will provide a telephone and facsimile number where the person requesting the meeting can be contacted by the EA participant in case of emergency or other good cause reason. A participant who calls, texts or sends a facsimile requesting to reschedule at least two hours before the meeting, provided that the participant has been given the telephone number of the relevant case worker, shall not be found in violation of this Rule or in violation of the Regulation governing cooperation with rehousing plans. If the staff or provider who scheduled the meeting is more than 15 minutes late, the participant shall not be found in violation of this Rule or 760 CMR 67.06(5)(a)3 for not remaining.

An EA Household is expected to arrive at a reasonable hour at the shelter or hotel on the day that the EA Household is placed. If the EA Household agrees to be transported by DHCD, the EA Household shall report when and where instructed to obtain transportation except for good cause reasons. If the EA Household requests to arrive at the placement by their own transportation, they shall arrive no later than 8 p.m. at a congregate shelter or hotel without authorization from the Regional Associate Director or his/her designee, and they shall arrive not later than 5 p.m. at the shelter provider's offices for a scattered site unit if the placement is provided to them before 2:00 p.m., unless the shelter provider informs of a different time or place or for good cause reasons. If the EA Household does not arrive at the shelter or hotel timely without good cause or authorization, the room may be cancelled. Placement notices shall provide a working contact number at the shelter or hotel or at DHCD that a Household can call to report the need for a later arrival time for good cause reasons.

EA Households placed in hotels are expected to call the hotel or report in person to the front desk at 1 p.m. each afternoon to find out whether the EA Household will be moved to a shelter or to leave a phone number at the hotel where the EA Household can be reached to be informed of any transfer.

Good cause for noncompliance with this Rule will be determined subject to the good cause standards in 760 CMR 67.06(6)(a)5. Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time and location will not be counted toward a noncompliance or termination.

### **Disturbance of Quiet Enjoyment**

The EA Household members shall not engage in unreasonable conduct that has the effect of seriously and materially disturbing the quiet enjoyment of other EA participants, other residents in scattered site apartment buildings, or other hotel guests without good cause as determined in accordance with 760 CMR 67.06 (6) (a) 5. Conduct that is considered unreasonable shall not include activities of daily living, such as laughing, crying, conversing, listening to television, radio, or music, talking on the telephone, children engaging in ordinary play activities, or doing laundry during reasonable hours (if posted), unless the conduct continues to be engaged in at an exceptional volume level after clear notice that such conduct is disturbing another EA Household, resident, or guest. A serious and material disturbance of quiet enjoyment shall not include annoyances that are inherent in a congregate living setting. The availability of play space at or near a placement shall be considered in determining whether a child's conduct will be treated as a disturbance of quiet enjoyment.

## **Drug Testing**

Drug testing, including urine screens and blood and breathalyzer tests, shall not be conducted at random or across the board; however, the EA Household shall comply with any staff request for drug testing made after staff has formed an individualized and reasonable suspicion that an EA household member is abusing controlled substances. Any such testing shall be performed at the expense of the shelter.

## **Fire Safety & Smoking**

Smoking is prohibited inside any shelter unit or building.

Removal of smoke or carbon monoxide detectors, or the batteries within them, is prohibited.

Shelters shall designate and inform residents of unenclosed outdoor area(s) where smoking is permitted. Unless it is repetitive, a violation of this Rule in regard to the designated smoking area that is *de minimis* (minor), as determined based on all the relevant circumstances, as to location, will not be counted toward a noncompliance or termination.

All EA Household members shall maintain their living areas free from fire hazards. Apart from smoking in designated outdoor areas, use of any flames or flammable materials, including but not limited to lighters, matches, candles, incense, firecrackers, gas or charcoal grills, is prohibited anywhere on shelter property, except with the expressed consent of shelter staff (e.g. candles for birthday parties, shelter-provided outdoor grills, lighting the stove when pilots go out.)

In shelters, hot plates and other cooking appliances are permitted only in kitchens or shelter-designated cooking areas with the permission of the shelter. In hotels, hot plates and other cooking appliances are prohibited unless supplied by the hotel. Hot plates and other cooking appliances that are found in a placement contrary to this Rule may be confiscated, but may be the basis of discipline only if there is evidence that the appliance has been used at the hotel.

## **Harassing or Threatening Language**

No member of an EA Household may (1) verbally harass or (2) use threatening language towards other residents or guests, service providers, or DHCD, hotel, or shelter staff. Good cause for violation of this Rule may be found to exist if a member of an EA household responded proportionately to unwarranted provocation by shelter or hotel staff.

## **Illegal Activity**

Any activity that is illegal under local, state, or federal law is prohibited on or in the immediate vicinity of shelter property.

## Legal Issues

A member of the EA Household may be cited for a rule violation if the individual has an outstanding default or arrest warrant whether issued within the Commonwealth or otherwise which the individual has been made aware of by DHCD, which is required to be resolved as a term of a rehousing plan, and which has not been resolved within 30 days of such notice

Resolution of legal issues shall be incorporated into the rehousing plan. In support of this requirement, the EA Household shall provide the shelter staff and DHCD staff with information regarding warrants, restraining orders – for which the individual is either a plaintiff or defendant – and any other court orders or pending legal matters such as probation, child support obligations, or court appearances. An EA Household member shall be considered to have good cause for failure to resolve an outstanding warrant if he or she provides a letter on attorney letterhead, signed by an attorney, including the attorney's Board of Bar Overseers number, indicating that it is the attorney's professional opinion as a matter of law that the EA Household should not resolve the outstanding warrants.

## Overnights

EA Households are expected to stay at the homeless shelter or hotel every night unless an overnight is authorized or there is a good cause reason. EA Households may take a **total** of four authorized nights (overnights) out of a homeless shelter or hotel per month, as an entire household. Individual household members may also take overnights away from placement as detailed below.

In a congregate or scattered site shelter, an EA Household's request for an overnight away from homeless shelter, whether for the entire household or an individual household member, should be made to the homeless shelter staff. In a hotel, a request for an overnight by an EA Household or an individual household member should be made through the hotel staff to the Associate Director's designee on a standard DHCD form. Hotel staff shall promptly forward such request to the designee and provide confirmation of having done so to the EA household. Information about who is the Associate Director's designee and how to reach him/her shall be available to participants at the front desk of each hotel. An EA Household in a hotel that takes no more than 4 overnights per month after having requested authorization at least two business days in advance, or later for good cause reasons when the need for the overnight arose later, shall not be found to have violated this rule unless the household received notice from the Associate Director's designee prior to taking the overnight that the request for an overnight was denied.

Requests for overnights for which the need arises when the EA Household is away from the hotel or shelter may be made by calling shelter staff or hotel staff and providing a written explanation promptly upon return explaining why the request could not have been made earlier. In such cases, hotel staff will promptly send a written request to appropriate DHCD personnel on behalf of the EA Household.

An overnight request should be made at least two business days in advance of the requested overnight. A request that is made but not responded to within 2 business days shall be deemed approved. An overnight request made for good reasons with less than two business days' notice should include the reasons why the overnight request was not made at least two days in advance and the request may be

denied within two business days of the date of the request. Participants who proceed with an overnight without express advance approval do so with the understanding that the overnight may not be approved. In considering overnight requests, including in such cases of after-the-fact review, approval will not be denied without stated good reasons. There shall be a presumption for approval for up to four overnights per month as allowed by these Rules. In any administrative appeal of a noncompliance or termination based on unauthorized household overnights, DHCD's failure to approve a requested overnight can be reviewed for reasons stated in M.G.L. c. 30A, § 14 (7), including but not limited to, for abuse of discretion.

Absences by individual EA Household members from a homeless shelter or hotel for more than 2 consecutive nights are not permitted, except when explicitly allowed by DHCD for good reasons (e.g., children attending summer camp, custody agreements, hospitalizations) or for good cause as determined under the good cause standards in 760 CMR 67.06(6)(a)5. In a shelter, such requests should be made to the Associate Director's designee through the shelter staff on a standard DHCD form. In a hotel, such requests should be made either directly to the Associate Director's designee or through the hotel staff on a standard DHCD form. A written request for approval that is made but not responded to within 2 business days shall be deemed approved. Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time and location will not be counted toward a noncompliance or termination.

In any administrative appeal of a noncompliance or termination based on unauthorized individual overnights, DHCD's failure to approve a requested overnight can be reviewed for reasons stated in M.G.L. c. 30A, § 14 (7), including but not limited to, for abuse of discretion.

Congregate or scattered site shelters may withhold approval of overnights in connection with the EA Household's failure to observe program rules and requirements. Requests by an entire household for five or more overnights in a row should be made on the Form TESI-1.

All requests to DHCD for additional overnights pursuant to this rule should be directed to the applicable the Associate Director's designee. Hotel staff should assist families in sending such requests to the Associate Director's designee and contact information for the Associate Director's designee shall be available at the front desk of each hotel.

Unauthorized overnights shall not form the basis for a rule violation, noncompliance or termination if there was good cause for the absence pursuant to the good cause standards in 760 CMR 67.06(6)(a)5. In considering the good cause reasons raised by a participant for an unauthorized overnight, DHCD will take into consideration all the circumstances, including documented efforts to obtain approval for an overnight, and the number of overnights during the relevant time period.

A family will not be locked out of a hotel or shelter for alleged abandonment unless the entire family is absent for at least 48 hours and two consecutive nights and has not called the hotel or shelter or the Associate Director's designee before curfew on the day after the absence began to explain any good cause reasons for being absent longer than two consecutive nights. The Department may request timely verification of any asserted good cause reasons and issue a notice of termination if verification is not

timely provided. In any case where a unit is no longer available to an EA Household because of unauthorized overnights, if the participant returns to the placement seeking reentry, the shelter or hotel management will inform the participant of the possibility of obtaining a new placement pending administrative appeal pursuant to 760 CMR 67.09 (2) (b) 3. by returning to a DHCD office during business hours. In such cases, the shelter or hotel management shall notify DHCD of the date and time that the participant returned.

### **Personal Belongings and Cleanliness of Room**

An EA Household may not bring more than the equivalent of two large (30-gallon) bags full of personal belongings per person with them into shelter, including scattered site and hotel settings. Households who arrive with more than the allowed amount of possessions, up to one more large (30-gallon) bag per person, and do not immediately have a place to store the excess items will be provided advice about possible storage options and given seven calendar days, or for good cause as determined in 760 CMR 67.06(6)(a)5 and upon receipt of express written permission from the Associate Director's designee, a longer reasonable period of time (taking into account all the circumstances) to move out the excessive items. If a hotel or shelter fails to provide sufficient storage units to store the permitted volumetric amount of personal belongings, the Household may provide its own storage unit(s) upon written authorization by the Associate Director's designee. Storage of any personal belongings or items, including storage units and excess personal belongings during the first seven days in shelter, is contingent upon compliance with all applicable state and local Sanitary and Fire Codes. Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to volumetric amount will not be counted toward a noncompliance or termination.

Participants are expected to keep their rooms in a clean, sanitary, and orderly manner, but an EA Household will not be cited for violating this Rule if inspection is not made pursuant to the Rule on Access or if the Household has good cause on the day of the inspection as determined by 760 CMR 67.06(6)(a)5, or if a family member is sick, in the process of doing or preparing to do laundry, or packing or unpacking belongings.

The EA Household is responsible for removing all belongings upon moving out of the shelter.

The EA Household that is transferring or moving out of shelter or hotel unit may leave at the shelter or hotel, at most, a few items of personal significance, cleanly packed, able to be readily stored in a small area outside the dwelling space to await the prompt return of the EA Household to move the items to their next residence.

After an EA Household has vacated the unit, any items not removed from congregate or scattered site locations will be bagged and held for 48 hours before they are donated or thrown away. Shelters and hotels may hold items for more than 48 hours at their discretion or upon agreement with the EA Household.

### **Pets**

Pets or animals of any kind are not permitted on shelter property at any time, except for documented service animals and other animals permitted pursuant to the Americans with Disabilities Act. This

prohibition includes temporary care of and/or visiting pets. A family will not be cited for violating this rule unless and until an appropriate inquiry has been made as to whether the animal is an animal permitted as a disability accommodation. Where an animal is determined not to be allowed as an accommodation, DHCD will provide a list of local animal rescue organizations and “no kill” shelters where a family might board the pet during shelter placement or take the pet for adoption.

### **Prescription Medication**

The EA Household is responsible for the storage and administration of prescribed medications, subject to good cause as determined under the good cause standards in 760 CMR 67.06(6)(a)5.

If a working safe is available in an EA Household’s room in a hotel for storage of prescription medications, the EA Household shall store such medications in the safe. If no working safe for use in the EA Household’s room is available, the adult household members shall make best efforts to ensure that prescription medications are out of the reach of children. In shelters, if there is not a safe and secure area, out of the reach of children, and away from cleaning fluids and toxic substances, then the EA Household may request assistance from shelter staff of congregate and scattered site locations with safe and secure storage.

Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time or location will not be counted toward a noncompliance or termination.

### **Sexual Harassment**

Sexual harassment of anyone on shelter property, including other residents, guests, service providers, or shelter staff, is prohibited.

### **Substance Abuse**

Use or possession of alcohol or any controlled substance(s) is prohibited on shelter property. Abuse of alcohol or controlled substances outside of the program, to the extent that it results in behavior that interferes with an EA Household member’s rehousing plan, threatens the health or safety of anyone on shelter property, or creates a disruption to shelter management, is prohibited.

Misuse of prescription medication will be considered substance abuse.

### **Violent Behavior & Child Abuse and Neglect**

Behavior that poses a threat to the health and safety of self, members of the EA Household, other residents, guests, service providers, or DHCD, hotel, or shelter staff is prohibited. This includes acts of physical and sexual violence, threatening conduct, or intimidation.

No form of child abuse or physical discipline will be tolerated on shelter property. Shelter staff, DCHD employees and other service providers must report all incidents of child abuse and neglect to the Department of Children and Families.

## Visitors/Guests

### *In Shelters:*

The EA Household may meet with visitors, for a reasonable and limited amount of time, in space(s) where the shelter deems appropriate, (e.g. areas where an individual would meet with a service provider). Shelters may determine appropriate visiting hours.

The EA Household is responsible for the conduct of its visitor(s), and therefore will be held accountable if its visitor(s) violate(s) any rules or requirements of the EA program or the shelter. No overnight visitors are permitted, except as provided in this Rule. If space is available in a shelter, shelter staff, with DHCD authorization, may agree to overnight visits by children whose primary residence is not within the EA household, upon presentation of a custody agreement, an agreement or request by DCF, or a court order directed to an adult member of the EA household.

All requests to DHCD for overnight visitors should be directed through the Associate Director's designee.

The EA Household must provide the name of the visitor at least 24 hours beforehand unless the shelter deems less notice appropriate, or in the case of emergencies.

Adult visitors must leave a photo ID, and sign in and out of the shelter. Visitors to scattered site units do not need to provide a photo ID unless shelter staff is available on the premises; however, the EA Household must still register all visitors to shelter staff.

Shelters may withhold approval of visitors in connection with the EA Household's failure to observe program rules and requirements.

### *In Hotels:*

No visitors are permitted in hotel rooms assigned to an EA household, except authorized service providers or members of another EA Household as permitted by this Rule. Visitors are permitted in common areas of hotels as permitted by hotel management on terms equal to those applied to non-EA hotel guests whether or not the hotel currently has such guests. It shall not be a violation of the no visitors or no guests rule for someone solely to assist an EA household member in delivering or removing possessions from the household's room with prior notice to hotel staff.

An EA household placed in a hotel may have the members of other EA households placed in the same hotel as visitors in its unit for a reasonable and limited amount of time, provided that there may be no more than 6 EA participants in a hotel room at any one time, except in cases when the family size exceeds 6 individuals. When the family size exceeds 6 members, family members in excess of 6 individuals may be in the unit, but guests may be in the room only if there are a total of 6 or fewer individuals in the room at the time.

Absent allowed babysitting arrangements, children under the age of 16 may only visit while accompanied by an adult member of their household or when an adult member of their household is on the premises and promptly reachable by the other EA household or the children by telephone or is within the sound of the child's voice.

If space is available in a hotel room, the Associate Director's designee may authorize overnight visits by children whose primary residence is not within the EA household, upon presentation of a custody agreement, an agreement or request by DCF, or a court order directed to an adult member of the EA household.

Visitors shall fully comply with all EA program rules and regulations while visiting the EA Household.

A child age 16 or older may visit with members of other EA households placed at the same hotel in common areas of the hotel unaccompanied by an adult if s/he has been approved to provide his/her own child care or if an adult member of that child's household is present on the grounds of the hotel and is promptly reachable by telephone or is within the sound of the child's voice.

Adult members of the EA household remain responsible for protecting the health and safety of the child(ren) in their household and must exercise good judgment about when it is safe to allow their child(ren) to visit with members of other EA households.

In hotels, the Associate Director's designee, upon written request submitted by hotel staff with a copy to the EA household, may exercise reasonable discretion to deny visitation to an individual EA Household either as guests or hosts, based on prior violations of these Rules. Any denial of visitation should be for a reasonable time based on the nature of the conduct, and shall include a written statement of the reason for the denial. Whether the exercise of such discretion to deny visitation was reasonably exercised may be challenged in an administrative appeal from a noncompliance or termination based on a violation of this Rule.

Hotel staff, DHCD employees, and employees of DHCD contractors and other state agencies working with DHCD may terminate a visit if: (a) activities in the host unit are disturbing the quiet enjoyment of other hotel guests or hotel staff; (b) activities in the host unit constitute a threat to the health or safety of the host, the guest, members of either household, other EA participants placed in the hotel, other hotel guests, hotel staff, DHCD employees, or employees of DHCD contractors or other state agencies working with DHCD; or (c) there is any infraction of the EA rules or regulations occurring in the host unit.

Visitors shall comply with Rule on Curfew by leaving before the established curfew time and not arriving before 8 a.m., except in cases of authorized babysitting or good cause pursuant to the good cause standards in 760 CMR 67.06(6)(a)5.

*Good Cause:*

Entertaining unauthorized visitors may be justified by good cause as determined under the good cause standards in 760 CMR 67.06(6)(a)5. In considering the good cause reasons raised by a participant for entertaining an unauthorized visitor, DHCD will take into consideration all the circumstances, including documented efforts to obtain authorization for the visitor, and any need for the visitor to assist the EA Household with essential tasks that an EA Household member cannot perform on his or her own. Unless it is repetitive, a violation of this Rule that is *de minimis* (minor), as determined based on all the relevant circumstances, as to time and location, will not be counted toward a noncompliance or termination.

## **Weapons**

Possession or storage of weapons of any kind is prohibited on shelter property.

### **Important:**

#### *House Rules:*

Nothing in these Uniform Rules prohibits shelters or hotels from adopting House Rules regarding day-to-day activities in shelter, such as cleaning rotations, cooking duties, noise levels, television viewing hours, dress codes, laundry hours, or parking requirements, so long as the House Rules do not contradict these Uniform Rules, EA statutes or regulations, or other legal requirements. Infractions of House Rules of either a shelter or hotel, however, shall not be treated as rule violations leading to a possible noncompliance finding or termination of EA benefits pursuant to 760 CMR 67.06(5)(a)4. Infractions of House Rules may lead to a transfer, internal warnings, or loss of house privileges, such as television time, and repeated infractions may lead to modification of an EA Household's Rehousing Plan to require compliance with specific House Rules. House Rules remain subject to DHCD review and approval.

#### *Rules Violations Not Counted towards Discipline:*

As stated in greater detail in 760 CMR 67.05 (e), alleged Rules violations, and alleged failures to comply with or cooperate in developing the terms of a rehousing plan, shall be vacated after six (6) months from the date of their occurrence if, within the six-month period, no noncompliance or termination has been issued for other violations of any such Rules or rehousing plan requirements and no conduct that constitutes a threat to health or safety or conduct warranting immediate termination has been committed and resulted in a noncompliance or termination notice. Rules violations that are found by the DHCD Hearing Officer on appeal not to have occurred shall not be included as violations in subsequent noncompliance or termination notices and shall not toll the aforementioned six-month period.

#### *Use of Forms:*

**Homeless coordinators should provide EA Households with a copy of the Uniform Shelter Program Rules to take with them at the time the EA Household is approved for placement.**

Shelters are to use the USR-1 Form, Infraction of Uniform Shelter Rules, to report on infractions of the Uniform Shelter Rules. Hotels are to use the HM-IR1 form to report infractions of the Uniform Shelter Rules. The infraction numbers on the forms are for guidance only and are not determinative of the actual number of rule infractions. When a single incident involves violations of several rules, shelter and hotel staff should use one form to report the incident and check all possibly applicable rule infractions on the USR-1 form, in a shelter, and the HM-IR-1, in a hotel.

#### *General Provisions:*

1. Copies of these Rules, the EA Babysitting Form and Guidelines, TESI-1s, the ADA Reasonable Accommodation Request form, and the EA Overnight Request Form shall be available at the front desk in hotels and in the management office in shelters in English and translated into those languages required by law. The front desk in hotels and the management office in shelters shall

- also include information about to whom to submit Babysitting and Overnight Forms and other requests, how to contact that person, and how to inquire about the status of a request. Hotels shall provide fax transmission services to EA participants free of charge for communication with DHCD, other state agencies, social service and medical providers, and legal services.
2. Failure of the hotel or shelter to maintain and make available to participants a copy of these Rules and forms in languages required by law may constitute a defense to a rule violation if a participant did not receive a copy of the Rules in the language required by law upon entry into the EA program or have access to the such a translation at a placement prior to the alleged violation.
  3. If a participant demonstrates that the conduct or omission of an EA household member over whose conduct the participant had no control causes a violation of these Rules or the EA regulations, discipline may be withheld, provided that the participant:
    - a. promptly removes such household member from the household composition; and
    - b. the participant and any other adult household members amend their rehousing plans to require them to take reasonable steps to prevent the former household member from returning to any shelter or hotel premises where EA families are placed, which may include, if necessary to prevent a return, serving and actively enforcing on his or her own behalf an abuse prevention order pursuant to M.G.L. c. 209A or cooperating with efforts by the shelter or hotel management to serve and actively enforce against such household member a “no trespass” notice pursuant to M.G.L. c. 266, § 120 or an anti-harassment order pursuant to M.G.L. c. 258E.
  4. The term “good cause,” as used in these rules, shall mean good cause as determined by 760 CMR 67.06(6)(a)5 unless other grounds for good cause are specifically stated.
  5. DHCD will provide language assistance as required by law for all communications with EA applicants and participants. Any translation from English shall indicate that in case of conflict between an English-language version of a document and a translation, the English language version shall control, provided that an EA Household will not be held responsible for conduct taken in reliance on an inaccurate translation.
  6. DHCD and EA shelter providers, including hotels, are covered by the Americans with Disabilities Act (ADA) and related laws that prevent discrimination against and require certain reasonable accommodations or modifications for qualified persons with disabilities. If you have difficulty complying with any of these Rules because of a disability, you may request a reasonable accommodation or modification by completing a DHCD ADA Reasonable Accommodation request form and sending it and supporting medical documentation to DHCD.